

**REMARKS**

Claims 77, 83, 85, and 91 are amended, and claims 2-8, 10-30, 32-40, 71-76, and 92-110 are cancelled without prejudice or disclaimer; as a result, claims 77-91 remain pending in this application.

**Response to Restriction Requirement**

Applicant respectfully reserves the right to reintroduce the non-elected claims 2-8, 10-30, 32-40, 71-76, and 92-110 that are subject to a restriction requirement in one or more divisional applications at a later date.

**Interview Summary**

Applicant thanks Matthew C. Landau for the courtesy of a telephone interview on October 24, 2007 and October 25, 2007 with Applicant's representative James N. Baillargeon. On October 24<sup>th</sup> Applicant's representative discussed proposed claim amendments that were presented to the Examiner on October 23, 2007. During the interview, further modification to the claims language was suggested. The amended claims were revised accordingly and resubmitted on October 24. During the phone interview conducted on October 25, agreement was reached regarding amended claims 77-91. Accordingly, amended claims 77-91 are now believed to be in condition for allowance.

**Drawing Objection**

The drawings were objected to under 37 CFR 1.83(a) as not showing all of the elements of claim 72. Claim 72 is cancelled without prejudice thereby removing the need to amend the drawings. Reconsideration and withdrawal of the objection are requested.

**§112 Rejection of the Claims**

Claims 12, 19, 72, and 74-76 were rejected under 35 U.S.C. § 112, first paragraph, as lacking adequate description or enablement. Applicant respectfully traverses the rejections;

however, claims 12, 19, 72, and 74-76 are cancelled thereby removing the issues from further consideration.

Claims 74-77, 83, 85, and 91 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant respectfully traverses the rejections; however, claims 74-76 are cancelled thereby removing the issue from further consideration. Claims 77-91 are amended as noted above.

*§102 Rejection of the Claims*

Claims 2-4, 8-11, 16-18, 24-27, and 71-75 were rejected under 35 U.S.C. § 102(b) for anticipation by Fitch et al. (U.S. 5,451,538).

Claims 2-4, 8-11, 16-18, 24-25, and 72-75 were rejected under 35 U.S.C. § 102(b) for anticipation by Maeda et al. (U.S. 6,303,425).

Applicant respectfully traverses the rejections; however, claims 2-4, 8, 10-11, 16-18, 24-27, and 72-75 are cancelled thereby removing the issues from further consideration. Applicant notes claim 9 was cancelled in the Office Action response dated February 20, 2007.

*§103 Rejection of the Claims*

Claims 32-40 and 76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fitch in view of Chew et al. (U.S. 6,518,622).

Claims 32-40 and 76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda in view of Chew.

Claim 30 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Maeda in view of Kurjanowicz et al. (U.S. 2002/0131291)

Applicant respectfully traverses the rejections; however, claims 30, 32-40, and 76 are cancelled thereby removing the issues from further consideration.

*Allowable Subject Matter*

Claims 77-91 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112 set forth in the Office Action. The claims are amended in accordance with the telephone interview noted above and are now believed to be in condition for allowance.

**Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE**

Serial Number: 10/765,301

Filing Date: January 27, 2004

Title: SELECTIVE EPITAXY VERTICAL INTEGRATED CIRCUIT COMPONENTS AND METHODS

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Dkt: 303.860US1

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

31 Oct. '07

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31st day of October 2007.

Name

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Signature

